

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

CRP.No. 3222 of 2001(C)

OS.101/1998 of MUNSIF COURT, KOLENCHERRY

**REVN. PETITIONER/1ST JUDGMENT DEBTOR/1S DEFENDANT
IN O.S.:**

**KUTTAPPAN, S/O RAMAN, KALLUKALAYIL,
VADAYAMPADY KARA, AIKKARANADU SOUTH VILLAGE.**

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

**RESPONDENTS/DECREE HOLDER & JUDGMENT DEBTORS
2, 3 AND 4/PLAINTIFF & DEFENDANTS 2,3 AND 4:**

- 1. BHARATHI AMMA, D/O KUNJIYAMMA, VADASSERY
VEETIL, VADAYAMPADY KARA, AIKKARANAD SOUTH
VILLAGE.**
- 2. GOPI, S/O NARAYANANPILLAI, VADASSERY VEETIL,
VADAYAMPADY KARA, AIKKARANADU SOUTH VILLAGE.**
- 3. RAJU, S/O NARAYANANPILLAI, VADASSERY
VEETIL, VADAYAMPADY KARA, AIKKARANAD SOUTH
VILLAGE.**
- 4. AMMINI AMMA, D/O PAPPU AMMA, NADUVATHU VEETIL,
RESIDING A VADASSERIL, VADAYAMPADY KARA,
AIKKARANADU SOUTH VILLAGE.**

**BY ADV. SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE
R1 BY SRI.K.SETHUNATH**

**THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 28/03/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

**ORDER ON CMP NO. 6716 OF 2001
IN
C.R.P. NO.3222 OF 2001**

DISMISSED

28/3/07

SD/- M.N. KRISHNAN, JUDGE.

[True Copy]

P.A. TO JUDGE.

M.N. KRISHNAN, J.
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C.R.P. NO. 3222 OF 2001
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Dated this the 28th day of March, 2007.

ORDER

This revision is preferred against the order of the Munsiff, Kolenchery in E.P.13/00 in O.S.101/98. As per the terms of the decree it is stated that defendants in O.S.101/98 are restrained, until a way is set out under Section 14 of the Easement Act through B, C and D scheduled properties to A schedule property, from causing any obstruction to the plaintiff or her men from using either of the pathway noted in Ext.C1(a) sketch etc. So it is contended by the learned counsel for the revision petitioner that what is directed by the Court below is for a right of way through B, C and D schedule. According to him, the trial Court has only accepted the second plan wherein an easy way is provided, according to the learned counsel for the revision petitioner.

2. I feel this is a fit case where a second look in the matter is necessary by the executing Court. Without making any observation on the merits of the case, I want to caution that the executing Court is ordinarily expected to comply with the terms of the decree and not otherwise and unless there are legally

C.R.P. NO. 3222 OF 2001

-:Page numbers:-

permissible methods by which it can be deviated from. Therefore, the order under challenge is set aside and the learned Munsiff is directed to consider whether the contention raised by the revision petitioner is really sustainable in the light of the judgment and decree referred to by me for which an execution petition is filed.

The C.R.P. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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C.R.P. NO. 3222 OF 2001

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M.N. KRISHNAN, J.

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C.R.P. No. 3222 OF 2001

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ORDER

28th March, 2007.